

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MARK R. WINKLE,

Plaintiff,

-v-

CAROL S. LORANGER, et al.,

Defendants.

Case No. 3:14-cv-020

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING WINKLE'S OBJECTIONS TO
MAGISTRATE MERZ'S REPORT AND RECOMMENDATIONS (Doc.
#17); OVERRULING WINKLE'S OBJECTIONS TO MAGISTRATE
MERZ'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc.
#24); OVERRULING WINKLE'S OBJECTIONS TO MAGISTRATE
MERZ'S SECOND SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (Doc. #28); ADOPTING MAGISTRATE MERZ'S
REPORT AND RECOMMENDATIONS (Doc. #14), SUPPLEMENTAL
REPORT AND RECOMMENDATIONS (Doc. #22) AND SECOND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #26) IN
THEIR ENTIRETY; GRANTING THE "STATE OF OHIO
DEFENDANTS'" MOTION TO DISMISS (Doc. #7) AND DISMISSING
WINKLE'S AMENDED COMPLAINT (Doc. #3) AGAINST THE "STATE
OF OHIO DEFENDANTS" WITHOUT PREJUDICE**

Plaintiff Mark R. Winkle ("Winkle") brought this action against several individuals and entities associated with the State of Ohio (the "State of Ohio Defendants") and against two Federal Defendants. Winkle filed an Amended Complaint (doc. #3) and the State of Ohio Defendants moved to dismiss Winkle's Amended Complaint against them (doc. #7).

On April 17, 2014, Magistrate Judge Michael R. Merz ("Magistrate Merz") issued a Report and Recommendations recommending that the State of Ohio Defendant's Motion To Dismiss be granted. (Doc. #14.) Winkle subsequently objected to this Report and Recommendations (doc. #17) and the State of Ohio Defendants responded to Winkle's

objections (doc. #20). The matter was then recommitted to Magistrate Merz for further analysis.

On May 9, 2014, Magistrate Merz issued a Supplemental Report and Recommendations making the same recommendation. (Doc. #22.) Winkle subsequently objected to this Supplemental Report and Recommendations. (Doc. #24.) The matter was then again recommitted to Magistrate Merz for further analysis.

On May 16, 2014, Magistrate Merz issued a Second Supplemental Report and Recommendations. (Doc. #26.) Winkle subsequently objected to this Second Supplemental Report and Recommendations (doc. #28) and the State of Ohio Defendants responded to Winkle's objections (doc. #31). All three of Magistrate Merz's Reports and Recommendations recommend the State of Ohio Defendant's Motion To Dismiss be granted and that Winkle's claims against the State of Ohio Defendants be dismissed without prejudice.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Winkle's Objections to Magistrate Merz's Report and Recommendations, Winkle's Objections to Magistrate Merz's Supplemental Report and Recommendations and Winkle's Objections to Magistrate Merz's Second Supplemental Report and Recommendations are not well-taken, and they are hereby OVERRULED. Magistrate Merz's Report and Recommendations, Supplemental Report and Recommendations and Second Supplemental Report and Recommendations are adopted in their entirety.

The State of Ohio Defendant's Motion To Dismiss (doc. #7) is granted. Winkle's Amended Complaint against the State of Ohio Defendants is dismissed without prejudice.

DONE and **ORDERED** in Dayton, Ohio, this Seventeenth Day of June, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Mark R. Winkle at his last address of record